

**ORDINANCE NO. 2015-21**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF ST PETE BEACH, FLORIDA, AMENDING THE CITY OF ST PETE BEACH LAND DEVELOPMENT CODE BY AMENDING SECTION 2.1 OF DIVISION 2, DEFINITIONS, RELATING TO COMMERCIAL KITCHEN, EATING AND DRINKING ESTABLISHMENTS, OUTDOOR DINING AND OUTDOOR DRINKING; AMENDING SECTION 6.24 OF DIVISION 6, SUPPLEMENTAL REGULATIONS, RELATING TO GENERAL, OPERATIONAL, AND PERMITTING REQUIREMENTS AND CITY AUTHORITY FOR OUTDOOR DINING AREAS AND OUTDOOR DRINKING AREAS; AMENDING SECTION 16.2 OF DIVISION 16, CG-2, COMMERCIAL DISTRICT, ADDING COMMERCIAL KITCHEN, FULL-SERVICE RESTAURANT, LIMITED SERVICE RESTAURANT AS PERMITTED USES AND DELETING SITDOWN RESTAURANTS AS A PERMITTED USE; AMENDING SECTION 16.4 OF DIVISION 16, CG-2, COMMERCIAL DISTRICT, ADDING RESTAURANT WITH DRIVE-THROUGH SERVICE, TAKE-OUT ONLY RESTAURANT, BAR/LOUNGE AS CONDITIONAL USES AND DELETING BAR (COCKTAIL LOUNGES, SALOONS), NIGHT-CLUBS, FAST-FOOD RESTAURANTS, OUTDOOR RESTAURANTS, AND SIDEWALK CAFÉ AS CONDITIONAL USES; AMENDING SECTION 30.2 OF DIVISION 30, TC-1, TOWN CENTER CORE DISTRICT, ADDING FULL-SERVICE RESTAURANT, LIMITED-SERVICE RESTAURANT, TAKE-OUT ONLY RESTAURANT, BAR/LOUNGE, AND COMMERCIAL KITCHEN AS PERMITTED USES AND DELETING EATING AND DRINKING ESTABLISHMENTS WITH OR WITHOUT OUTDOOR SEATING AS A PERMITTED USE; AMENDING 34.4 – PROHIBITED USES AND STRUCTURES OF DIVISION 34, TO ALLOWABLE CONDITIONAL USES ADDING FULL-SERVICE RESTAURANT; AMENDING SECTION 34.5 FROM GENERAL REQUIREMENTS TO PROHIBITED USES AND STRUCTURES; AMENDING SECTION 34.6 FROM DENSITY TO GENERAL REQUIREMENTS; AMENDING SECTION 34.7 FROM BUILDING HEIGHT TO DENSITY; AMENDING SECTION 34.8 FROM SETBACKS TO BUILDING HEIGHT; AMENDING 34.9 FROM MAXIMUM IMPERVIOUS SURFACE RATIO TO SETBACKS; AMENDING 34.10 FROM MINIMUM OFF-STREET PARKING REQUIREMENTS TO MAXIMUM IMPERVIOUS SURFACE RATIO; AMENDING 34.11 FROM LANDSCAPING TO MINIMUM OFF-STREET PARKING; AMENDING 34.12 FROM DESIGN REQUIREMENTS TO LANDSCAPING; AMENDING 34.13 FROM SIGNS**

**TO DESIGN REQUIREMENTS; CREATING SECTION 34.14 SIGNS; AMENDING SECTION 37.2 OF DIVISION 37, TC-2 TOWN CENTER COREY CIRCLE AND COQUINA WEST DISTRICTS, ADDING FULL-SERVICE RESTAURANT, LIMITED SERVICE RESTAURANT, BAR/LOUNGE AS PERMITTED USES AND DELETING EATING AND DRINKING ESTABLISHMENTS WITH OR WITHOUT OUTDOOR SEATING AS PERMITTED USES; AMENDING SECTION 37.5 OF DIVISION 37, TC-2 TOWN CENTER COREY CIRCLE AND COQUINA WEST DISTRICTS ADDING TAKE-OUT ONLY RESTAURANT AS A CONDITIONAL USE, PROVIDING FOR PUBLICATION IN ACCORDANCE WITH THE REQUIREMENTS OF LAW; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.3202, Florida Statutes, requires each local government in the State of Florida to adopt or amend and enforce land development code regulations that are consistent with and implement the adopted Comprehensive Plan; and

**WHEREAS**, the City of St. Pete Beach has previously adopted a land development code;

**WHEREAS**, periodic updates and clarifications are necessary for successful implementation of a land development code.

**NOW THEREFORE**, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ST PETE BEACH, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED THAT:

**SECTION 1.** Section 2.1 of Division 2, Definitions, of the City of St. Pete Beach Land Development Code is hereby amended to provide as follows:

Sec. 2.1. - Words, terms and phrases defined.

*Commercial Kitchen* means an establishment where food and beverages are prepared for off-site consumption. Typical uses include catering facilities. This classification does not include businesses involved in the processing or manufacturing of food products.

*Eating and drinking establishment* means a business primarily engaged in serving prepared food and/or beverages for consumption on or off the premises. Such uses are regulated by type as follows:

*Bar/Lounge* means a business serving beverages for consumption on the premises as a primary use or as an accessory use to a hotel or motel and including on-site service of alcohol, including beer, wine, and mixed drinks.

*Restaurant, Full-Service* means a restaurant providing food and beverage services to patrons who order and are served while seated and pay after eating. Takeout service may also be provided.

*Restaurant, Limited-Service* means an establishment where food and beverages may be consumed on the premises, taken out, or delivered, but where limited table service is provided.

This classification includes cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, sandwich shops, limited-service pizza parlors, self-service restaurants, and snack bars with indoor or outdoor seating for customers. This classification includes bakeries that have tables for on-site consumption of products. It excludes catering services that do not sell food or beverages for on-site consumption (See Commercial Kitchen).

*Restaurant, Take-Out Only* means a restaurant where food and beverages are prepared on a customer-demand basis and may be taken out or delivered, but are not consumed on the premises. No seating or other facilities for on-premises dining are provided.

*Restaurant with Drive-Through Service* means any eating or drinking establishment which has direct window service allowing customers in motor vehicles to pick up food or drink for off-premise consumption.

*Outdoor Dining* means a delineated area, including patios and similar areas, affiliated with a restaurant unenclosed by walls where tables, seating and other furnishings are provided for patrons of the restaurant for eating and drinking.

*Outdoor Drinking* means a delineated area, including patios and similar areas, affiliated with a bar/lounge unenclosed by walls where tables, seating and other furnishings may be provided for patrons of the bar/lounge for consuming beverages. For temporary lodging uses, the outdoor drinking area may occupy a portion of a private sand beach affiliated with an accessory hotel or motel bar reserved for the exclusive use of overnight guests.

**SECTION 2.** Section 6.24 of Division 6, Supplemental Regulations, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 6.24. - Outdoor dining and outdoor drinking areas. A full or limited service restaurant may establish an outdoor dining area and a bar/lounge may establish an outdoor drinking area pursuant to the requirements of this Section and upon the issuance of a conditional use permit pursuant to the review and approval procedures provided under Division 4 of this Code. If public consumption of alcohol is proposed to occur on any public street, sidewalk or private sand beach area in connection with the outdoor dining or outdoor drinking area, approval by the City Commission is required pursuant to Chapter 6 of the City Code of Ordinances.

(a). *General Requirements*

- 1) All outdoor dining and outdoor drinking areas located on private property shall comply with the following requirements:
  - a. A landscape buffer and opaque wall or fence constructed at the maximum height allowed by this Code shall be required along the lot line of any yard containing an outdoor dining or outdoor drinking area when the lot line of said yard adjoins a property that is occupied by a residential use to effectively screen and mitigate external impacts as determined through the conditional use permitting process.
  - b. Outside food and beverage consumption shall not extend beyond the permitted area.
  - c. No outdoor food preparation is permitted.
  - d. Suitable protective barriers shall be installed when an outdoor dining area or outdoor drinking area is located adjacent to a vehicular use area as determined by the Building Official.

- e. Upon the issuance of a tropical storm or hurricane warning, all tables, chairs and other equipment shall be securely stored inside.
- 2) In addition to the above requirements, the following requirements shall be met for outdoor dining or outdoor drinking areas located within city-owned public right(s)-of-way:
- a. Outdoor dining or outdoor drinking areas shall only be authorized when adjoining sidewalk has a continuous minimum width of eight feet unless the Technical Review Committee determines that the area can be reasonably accommodated by a narrower sidewalk width.
  - b. A minimum four feet of contiguous and unobstructed corridor space must be maintained at all times to ensure a clear pedestrian passageway. The pedestrian passageway shall be a straight line, parallel to the building face and curb line, for the entire length of the outdoor dining or outdoor drinking area.
  - c. The outdoor dining or drinking area shall not extend beyond the sidewalk frontage of the associated business establishment unless otherwise approved by the City Commission.
  - d. All furnishings shall be of good design and made of quality materials and be maintained in a clean and attractive appearance and shall be in good repair at all times.
  - e. In addition to suitable protective barriers being installed, the interior perimeter around the outdoor dining or outdoor drinking area may be delineated using nonpermanent fixtures such as planters, decorative chains or other fixtures no less than thirty (30) inches and no greater than forty- two (42) inches in height as may be approved by the Building Official.
  - f. City Commission approval is required for public consumption of alcoholic beverages within public rights-of-way pursuant to Chapter 6 of the City Code of Ordinances.
- (b). *Required Permit.* A Conditional use permit application shall be made to the City. The permit application, in addition to the conditional use application requirements provided under Division 4 of this Code, shall specifically include the following information:
- 1) Survey.
  - 2) Site plan depicting the proposed outdoor dining area or outdoor drinking area drawn to scale. The plan shall include the following information:
    - a. Total square footage of the proposed outdoor dining area or outdoor drinking area.
    - b. Number and placement of all seating/table arrangements and other elements.
    - c. Distances between each seating/table arrangement, providing pedestrian clearance as required by the Florida Building Code and Florida Life Safety Code.
    - d. All points of egress.
    - e. Locations of signs prohibiting the removal of alcohol from the premises.
    - f. For tenants as applicants, a letter of authorization from the property owner.
  - 3) Occupant load of principal business.
  - 4) Number of existing men's and women's bathrooms and fixtures.
  - 5) Copy of applicant's liquor license (s).
- (c). *Insurance and Indemnification.* For outdoor dining or outdoor drinking areas using public right(s)-of-way, the following is required:

- 1) By the use of any permit granted under this Section, the operator agrees to indemnify, defend, save and hold harmless the City, its officers, agents and employees from any and all claims, liability, lawsuits, damages and causes of action which may arise out of the use of the public right(s)-of-way. The operator shall enter into a written agreement with the City to evidence this indemnification. Such agreement must have the written approval of the City Attorney prior to issuance of a permit.
  - 2) The operator shall show evidence of:
    - a. Comprehensive general liability insurance on an "occurrence" basis in an amount not less than \$1,000,000 combined single limit bodily injury liability and property damage liability. The City is to be specifically included as additional insured on the policy.
    - b. Workers Compensation insurance applicable to its employees, if any, for statutory coverage limits in compliance with Florida laws, including employers' liability which meets all state and federal laws.
  - 3) The operator shall provide the City with the certificate(s) of insurance evidencing required coverages. Current certified copies of such required coverages shall be provided to the City when specifically requested in writing.
  - 4) All policies of insurance must be endorsed to provide the City with 30 days of notice of cancellation or restriction.
- (d). *Revocation of permit.* The City may revoke a permit for an outdoor dining or outdoor drinking area if it is found that:
- 1) Any necessary business or health permit has been suspended or revoked; or
  - 2) Changing conditions of pedestrian or vehicular traffic cause congestion necessitating removal of the outdoor dining or outdoor drinking area when located within public right(s)-of-way. Such decision shall be based on the findings of the Technical Review Committee that the existing conditions represent a danger to the health, safety or general welfare of the public and cannot be resolved through modification to the outdoor dining or outdoor drinking area layout; or
  - 3) The operator fails to comply with one or more requirements of the conditional use permit.
- (e). *Removal or relocation of outdoor dining or outdoor drinking area and all related furnishings for right(s)-of-way repairs, emergency situations, or matters of public safety.*
- 1) As necessitated by right(s)-of-way repairs, the City may require the temporary removal of outdoor dining or outdoor drinking area and all related furnishings. The operator shall be responsible for removing all furnishings at least 24 hours prior to the date identified in writing by the City. The City shall not be responsible for any costs associated with the removal or the return and installation of such furnishings.
  - 2) The City may cause the immediate removal or relocation of all or any part of the outdoor dining or outdoor drinking area occupying public right(s)-of-way in emergency situations. The City, its officers, agents and employees shall not be responsible for any damages or loss of furnishings used in association with an outdoor dining or outdoor drinking area relocated during emergency situations and shall not be responsible for any costs associated with the removal or the return and

- installation of any such furnishings.
- 3) The City shall have the authority to secure or remove any furnishing(s) associated with the outdoor dining or outdoor drinking area occupying public right(s)-of-way if necessary in the interest of public safety.

**SECTION 3.** Section 16.2 of Division 16, CG-2, Commercial District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 16.2. - Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the CG-2 Commercial District are as follows:

- (a) Commercial kitchen.
- (b) Eating and drinking establishments, limited-service restaurant, subject to Sec. 6.24 of this Code as may be applicable.
- (c) Financial institutions without drive-through service.
- (d) Offices.
- (e) Printing and copying services.
- (f) Retail sales.
- (g) Services, personal/business

**SECTION 4.** Section 16.4 of Division 16, CG-2, Commercial District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 16.4. - Allowable conditional uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the CG-2 Commercial District are as follows:

- a. Adult entertainment establishments—See also Chapter 10, St. Pete Beach Code of Ordinances.
- b. Automotive service stations.
- c. Commercial boat docking facilities.
- d. Commercial water sports, non-motorized vessels of 16 feet or less in length only.
- e. Communications facilities.
- f. Commercial docks—Classes A, B and C only.
- g. Eating and drinking establishments restaurant with drive-through service, take-out only restaurant, bar/lounge, subject to Sec. 6.24 of this Code as may be applicable.
- h. Mortuaries.
- i. Parking lots—Commercial and/or off-premise.
- j. Recreational—Commercial recreation; public parks and/or recreational facilities.
- k. School, commercial.
- l. Theaters.
- m. Utility substations and/or rights-of-way.
- n. Vessel for hire businesses.

**SECTION 5.** Section 30.2 of Division 30, TC-1, Town Center Core District, of the City of St. Pete Beach Land Development Code is amended to provide as follows:

Sec. 30.2. - Permitted uses.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses in the TC-1 Town Center Core District are as follows:

- a. Financial institutions without drive-through service.
- b. Government buildings and other public or civic facilities, including parks and recreation facilities and transit stations and stops.
- c. Office uses.
- d. Personal service businesses such as barbershops, beauty shops, day spas, tailoring, garment alteration and repair, shoe repair, pet grooming, dry cleaning pick-up and drop-off and other personal service uses similar in character and impact. Body art, bail-bond, check-cashing, and other similar services are prohibited.
- e. Printing and copying.
- f. Residential uses as a component of mixed-use development only. Residential uses shall not be allowed on the ground floor level of any structure.
- g. Eating and drinking establishments - full-service restaurant, limited-service restaurant, take-out only restaurant, bar/lounge, subject to Sec. 6.24 of this Code as may be applicable.
- h. Retail uses except automotive sales lots, pawn shops, liquor stores, and tobacco shops.
- i. Theaters, cinemas and other indoor commercial entertainment facilities.
- j. Artist studios and art galleries.
- k. Grocery stores and pharmacies without drive-through service.
- l. Commercial kitchen.
- m. Sales, rentals, and/or service of bicycles, mopeds, motorcycles, segways, and scooters;
- n. Other commercial uses similar in character, nature and impact to permitted uses listed above.

**SECTION 6.** Section 34.4 of Division 34, (DCR) Downtown Core Residential District of the City of St. Pete Beach Land Development Code is amended to provide as follows:

**Sec. 34.4. – Allowable conditional uses.**

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the DCR Downtown Core Residential District are as follows:

Eating and drinking establishments, -full-service restaurant, limited-service restaurant, bar/lounge, subject to Sec. 6.24 of this Code as may be applicable

**SECTION 7.** Section 34.5 of Division 34, (DCR) Downtown Core Residential District of the City of St. Pete Beach Land Development Code is amended to provide as follows:

**Sec. 34.5. Prohibited uses and structures.**

**SECTION 8.** Section 34.6 of Division 34, (DCR) Downtown Core Residential District of the City of St. Pete Beach Land Development Code is amended to provide as follows:

**Sec. 34.6. General Requirements**

**SECTION 9.** Section 34.7 of Division 34, (DCR) Downtown Core Residential District of the City of St. Pete Beach Land Development Code is amended to provide as follows:

**Sec. 34.7. -Density**

**SECTION 10.** Section 34.8 of Division 34, (DCR) Downtown Core Residential District of the City of St. Pete Beach Land Development Code is amended to provide as follows:

**Sec. 34.8 Building height**

**SECTION 11** Section 34.9 of Division 34, (DCR) Downtown Core Residential District of the City of St. Pete Beach Land Development Code is amended to provide as follows:

**Sec. 34.9. Setbacks**

**SECTION 12** Section 34.10 of Division 34, (DCR) Downtown Core Residential District of the City of St. Pete Beach Land Development Code is amended to provide as follows:

**Sec. 34.10. Maximum impervious surface ratio**

**SECTION 13** Section 34.11 of Division 34, (DCR) Downtown Core Residential District of the City of St. Pete Beach Land Development Code is amended to provide as follows:

**Sec. 34.11. Minimum off-street parking requirements**

**SECTION 14** Section 34.12 of Division 34, (DCR) Downtown Core Residential District of the City of St. Pete Beach Land Development Code is amended to provide as follows:

**Sec. 34.12. Landscaping**

**SECTION 15** Section 34.13 of Division 34, (DCR) Downtown Core Residential District of the City of St. Pete Beach Land Development Code is amended to provide as follows:

**Sec. 34.13. Design requirements**

**SECTION 16** Section 34.14 of Division 34, (DCR) Downtown Core Residential District of the City of St. Pete Beach Land Development Code is amended to provide as follows:

**Sec. 34.14. Signs**

**SECTION 17.** Section 37.2 of Division 37, TC-2 Town Center Corey Circle and Coquina West Districts of the City of St. Pete Beach Land Development Code is amended to provide as follows:

**Sec. 37.2. - Permitted uses.**

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses in the TC-2 Town Center Corey Circle and Coquina West Districts are as follows.

- a. Retail uses except automotive sales lots, pawn shops, liquor stores, and tobacco

- shops;
- b. Grocery stores, markets, pharmacies without drive-through service;
- c. Personal service businesses such as barbershops, beauty shops, salons, day spas, gyms and fitness centers, tailoring, garment alteration and repair, shoe repair, dry cleaning pick-up and drop-off and other personal service uses similar in character and impact. Body art, bail-bond, check-cashing and other similar services are prohibited;
- d. Eating and drinking establishments - full-service restaurant, limited-service restaurant, bar/lounge, subject to Sec. 6.24 of this Code as may be applicable;
- e. Office uses;
- f. Commercial recreation, public parks and/or recreational facilities;
- g. Government buildings and other public facilities, including parks and recreation facilities;
- h. Artist studios and art galleries;
- i. Multi-family residential only as a component of mixed use. Residential uses are not permitted on the ground floor;
- j. Vehicle for hire - Limited to rental of non-motorized (bicycles) and individual motorized vehicles such as segways, mopeds/scooters;
- k. Other commercial uses similar in character, nature and impact to permitted uses listed above.

**SECTION 18.** Section 37.5 of Division 37, TC-2 Town Center Corey Circle and Coquina West Districts of the City of St. Pete Beach Land Development Code is amended to provide as follows:

**Sec. 37.5. - Allowable conditional uses.**

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the TC-2 Town Center Corey Circle and Coquina West Districts are as follows.

- a. Temporary lodging facilities hotel, motel and resort condominium, awarded on a first come, first serve basis, to come from the density pool established in the Comprehensive Plan.
- b. Commercial kitchen.
- c. Commercial docks-Class A, B, C and D.
- d. Eating and drinking establishment – take-out only restaurant.
- e. Vessel for hire (water taxis).

**SECTION 19.** This Ordinance shall be published in accordance with the requirements of law.

**SECTION 20.** This Ordinance shall become effective immediately upon final passage and adoption.

  
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Maria Lowe, Mayor

**First Reading:** 08/25/2015  
**Publication:** 08/14/2015  
**Final Reading:** 09/22/2015  
**Publication:** 09/22/2015  
**Public Hearing:** 09/22/2015

I, Rebecca Haynes, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing ordinance was duly adopted in accordance with the provisions of applicable law this 22<sup>nd</sup> day of September, 2015.

  
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Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTEDNESS:

  
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Andrew Dickman, City Attorney